

## **MAYOR'S COMMITTEE FOR PEOPLE WITH DISABILITIES MINUTES**

October 18, 2010 City Hall, Rm 209, 6:30 p.m.  
1000 Commonwealth Avenue, Newton, Massachusetts 02459

### **Members Present:**

Jane Brown  
Rob Caruso, Co-Chair  
Lucie Chansky  
Jini Fairley  
Rosemary Larking  
Heather Platt  
Girard Plante, Co-Chair

### **Staff Present:**

Kathleen Cahill, Community Development Senior Planner  
David Olson, City Clerk  
Amy Yuhasz, Associate Director for Housing and Community Development

### **Public Present:**

Michael Lepie

### **Regrets:**

Jeff Hutter  
Jason Rosenberg

R. Caruso called the meeting to order at 6:30 p.m. and notified all in attendance that the meeting was being audio recorded.

### **1. Discussion and presentation:** Changes to the Open Meeting Law.

David Olson, City Clerk provided a summary of changes to the Open Meeting Law. Although the Open Meeting Law has been in operation for some time the Mayor's Committee for People with Disabilities did not need to abide by the Open Meeting Law until July of 2010, when the new changes went into effect. Mayor Warren also made the decision that he would like all Mayoral advisory groups to abide by the Open Meeting Law. The Opening Meeting Law can be found in Massachusetts General Law 30A Sections 18 through 25.

The July changes to the Open Meeting Law created the Division of Open Government in the Attorney General's Office. Previously Open Meeting Law directions and interpretations were disbursed through assistant attorney generals, resulting in a variety of interpretations. The new organizational structure offers more consistency because interpretations all come from the Attorney General through the

Division of Open Meeting Government. The July changes to the Open Meeting Law also enabled the Division to create regulations which were issued in October 2010.

D. Olson summarized the Open Meeting Law rules pertaining to public meetings, notification, recording and public comment during the meeting, minutes and the complaint process. All meetings of a public body must be open to public and must be held in a public space. A meeting is defined as a deliberation of a public body with respect to any matter within its jurisdiction. Deliberation is meant to mean oral or written communication through any medium including electronic mail between or among a quorum of any public body on any matter within its jurisdiction. While distribution of procedural material, agendas, and supporting material is acceptable under the Open Meeting Law, the Committee must be cautious of email communication. If an email between two members is then forwarded to a third and fourth member it is a violation of the Open Meeting Law. While this does not apply to phone communication members must be careful to avoid conducting a meeting without providing the public an opportunity to attend that meeting.

One member wondered if the public could be notified that decisions are sometimes made by email and if members of the public wanted an opportunity to be included in these email deliberations they could provide their email addresses. Since this form of deliberation and decision making does not allow all members of the public to participate, particularly those without access to email, the Committee is encouraged to avoid this type of procedure.

The Open Meeting Law (Section 20) requires that a public body post notice of every meeting at least 48 hours in advance of the meeting. This time frame of 48 hours cannot include holidays or weekends. The meeting notice must be posted conspicuously and a written announcement must be in hard copy or electronic format. The City posts a hard copy on the first floor of City Hall in the hallway. An electronic bulletin board on the City's front page provides links of every posting that comes through City Clerk's office. This electronic bulletin board is available around the clock. The Newton Free Library and the Police Station offer the free use of computers in order to utilize the internet if residents do not have personal access to the internet.

The outdoor posting board was used until the new regulations went into effect. Since the new regulations provide the option of an electronic bulletin board the outdoor posting is no longer required. Currently there is a statement on the posting board that directs the public to the official city posting board and the electronic bulletin board.

One member wondered if large print or Braille translations were available for the public notices. Although Braille is not available the City Clerk's staff does have the capability to provide a large print version of the notice (scaled up to an 11 by 17 size). All electronic postings are optical character recognized. One member asked if audio was available. City Clerk staff can read postings aloud to the public, upon request.

It is also a requirement of the U.S. Department of Housing and Urban Development that every posting include a statement that the meeting is handicap accessible and if assistance is needed Kathleen Cahill is the contact person.

Under Open Meeting Law, anyone has the right to audio tape or video tape the meeting. However, everyone must be notified at the beginning of the meeting of this taping. If a member of the public becomes disruptive during the meeting that person can be asked to leave. If the person does not leave the Committee's next action is to call the police. Although every member of the public has the right to be at the meeting individuals cannot participate unless permission is granted by the co-chairs.

Every public body is required to create and maintain a public record of all minutes. The minutes must contain a summary of the meeting, a list of documents used at the meeting and a record of decisions (including votes). Each vote that is taken must be open. A copy of all material presented by the public or guests must be saved with the minutes. One member of the Committee wondered if this included PowerPoint presentations. Either a digital or electronic copy of a PowerPoint must be submitted at the meeting by the presenter.

The new Open Meeting Law regulations establish a complaint procedure for a member of the public who feels that a public body has violated the Open Meeting Law. The complainant must file the initial complaint with the public body they feel is in violation (there is no time frame during which this complaint needs to be filed) and the body has 14 business days to address this complaint. If the complainant is not satisfied with the result they can pursue this matter with the Attorney General's office. There is a 30 day limit from the time the individual files a complaint with the public body and when that complaint must be filed with the Attorney General's Office. The Attorney General can compel compliance with the Open Meeting Law, nullify action, impose civil penalty of not more than \$1000 on body, and compel minutes and records and other materials to be made public. The Attorney General can also conduct an investigation to ascertain whether a person or a group has violated the Open Meeting Law.

A minor complaint can be resolved through the chair/co-chairs. A more serious complaint may require that the public body come back together to discuss and decide how to respond.

One member asked if the Open Meeting Law was triggered if a quorum of a public body attended another public meeting. If a quorum of the Mayor's Committee attends the public meeting of another public body which has been officially posted the members of the Mayor's Committee can offer comment but cannot deliberate on the matter at that time. On-site inspections also do not have to be posted but members must be careful to avoid deliberating on the item during the site visit.

2. **Minutes:** Consider approval of the minutes from the September 13 and September 16 of the meeting of the Mayor's Committee for People with Disabilities.

L. Chansky moved that the minutes be approved. J. Brown seconded the motion and the Board voted 7-0-0 to approve the minutes.

3. **Project Report:** CDBG funded access projects.

K. Cahill provided a report on the ongoing access projects funded with CDBG money. These projects include: Accessible Pedestrian Signals (APS), Charlesbank Playground, Curb Cuts, Retrofitting Curb Cuts, Nahanton Accessible Pathway and Handicap Parking Space, Newton Community Service Center – Auditorium Ramp, Historic Newton/The Jackson Homestead – Archives Preservation and Access, and Projects to be Determined.

K. Cahill received a quote in the amount of \$13,620 from Republic ITS to install APS at Commonwealth and Washington. No APS have been installed at this location yet but the Mayor has been made aware that the Committee does not recommend upgrading this intersection with CDBG funds and instead would like City funds to be used for accessible improvements at this location. K. Cahill is also working with Republic ITS to get a quote on installing APS at Washington nearby the Newton-Wellesley Hospital. Republic ITS is compiling two quotes for this intersection – one that includes the closure of one crosswalk and removal of an unnecessary traffic pole and one that includes maintaining the crosswalk and the installation of a new stub pole. K. Cahill is also working with the City Engineer on the reconfiguration of the Washington and Beacon intersection in order to remove the dangerous island.

The progress made on finalizing the design of Lowell and Washington was also discussed at length. The abutters to this intersection as well as the Ward Alderman received the plans in early September and were asked to comment by the end of September. The owners of Newtonville Service Station have expressed concern over the design because it would close up a large driveway opening abutting their property. This driveway opening is not compliant with the City's rules and regulations. One resident of the condo building at 935 Washington Street has requested that the design include changes to increase the safety of residents coming in and out of her condo building. She is in direct contact with Clint Schuckel, the City Traffic Engineer. The curb cuts and accessible sidewalk improvements at Watertown Street and Crafts Street will be completed by the end of November.

**4. Report:** Report on the activities of the Fair Housing Committee by Girard Plante. Committee requested a summary of the last Fair Housing Committee meeting.

One member wondered about a project that CAN-DO had proposed but then decided not to pursue. CAN-DO had been exploring a potential project on Washington Street but the organization's offer on the property was not accepted and therefore the project was abandoned. A new application for Community Preservation Act (CPA) CDBG and HOME funds has been submitted to Alice Ingerson, the Community Preservation Program Manager. The MCPD will be notified when a Design Review Team meeting is scheduled for this project.

**5. Discussion:** Scheduling a Newton North High School site visit.

The Committee discussed the areas in the High School that they would like to see/experience during the site visit, these included: a bathroom, athletic facilities (outdoor track, swimming pool, tennis courts, gymnasium) the theatre, accessible fountain, cafeteria, the restaurant that is open to the public, library, and a classroom. The Committee's first choice would be a weekend day and a fall back option would be an early release week day.

**6. Other Business:**

R. Larking relayed to the Committee her plans to meet with Newton Community Development Foundation (NCDF) on the 27th of October. R. Caruso will be in attendance along with Mary Moore and K. Cahill. Trisha Guditz, Housing Program Manager and Fair Housing Officer as well as J. Rosenberg have also been asked to attend. L. Chansky made a motion that the Committee's feelings of surprise and shock that such a letter would be written to a tenant should be expressed at the

meeting as well as the fact that any tenant has the right to appeal to outside parties for assistance. J. Brown seconded the motion and the Committee voted 6-0-0 to approve this message regarding R. Larking's letter from NCDF.

**7. Update:** Actions taken by the Land Use Committee on Chestnut Hill Square.

The Committee discussed the letter drafted by J. Rosenberg, G. Plante and R. Caruso concerning a proposed shadow lane on Boylston Street adjacent to the proposed Chestnut Hill Square project. The general consensus of the Committee members was that the letter should be submitted on behalf of the entire Committee.

**6. Discussion and Recommendations:** David Koses, Transportation Planner requesting a handicap parking space on Jackson Road in the vicinity of the Jackson Homestead and Alderman Linsky requesting an evaluation of the potential modification to the handicapped space on Madison Avenue created by TC2-09.

This item was held until the November meeting due to lack of information regarding the Jackson Homestead site and the proposed HP space on Jackson Street.

Meeting adjourned at 8:45 p.m.